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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,401	08/17/2001	Gregory A. Peek	PEEKUP	4411
7590 12/24/2003			EXAMINER	
CHARLES C. LOGAN II 8282 UNIVERSITY AVENUE LA MESA, CA 91941			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 12/24/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/932,401

Applicant(s)

PEEK, GREGORY A.

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-10 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/226021, filed 8/18/00. A reference to the prior application must be inserted as the first sentence of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied

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by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crudgington et al. (USPN 5676030) in view of Richards (USPN 387919).

Crudgington teaches a CNC machine center (figure 1) having a door (66) with a window (70) for viewing machining operations. The door and window each have an outer and inner surface. Crudgington teaches all the essential elements of the claimed invention however fails to teach a window clearing apparatus for the window on the CNC machine. Richards teaches a window clearing apparatus comprising a windshield wiper arm (C) and a wiper blade (c'). The wiper blade is positioned on the inner surface of the window and there is a crank arm (E) positioned adjacent the outer surface of the door for reciprocally moving the wiper arm back and forth to a predetermined portion of the inner surface of the window. The crank arm has an inner end and an outer end and a knob that is mounted adjacent the outer end so that a person can manually move the crank arm back and forth. Additionally, there is a spring (F) for constantly pressing the wiper blade against the inner

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surface of the window. The wiper arm has a length adjusting arm to allow for different lengths of wiper blades. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a window clearing apparatus such as one taught by Richards on the window of Crudgington's CNC machine to optimize the visibility of the window. It is obvious to one of ordinary skill in the art to put a windshield wiper on any type of window so that it has the capability to remain clear in all situations.

4. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crudgington et al. (USPN 5676030) in view of Uddenborg (USPN 1727456).

Crudgington teaches a CNC machine center (figure 1) having a door (66) with a window (70) for viewing machining operations. The door and window each have an outer and inner surface. Crudgington teaches all the essential elements of the claimed invention however fails to teach a window clearing apparatus for the window on the CNC machine. Uddenborg teaches a window clearing apparatus comprising a windshield wiper arm (17) and a wiper blade (28). The wiper blade is positioned on the inner surface of the window and there is a crank arm (15) positioned adjacent the outer surface of the door for reciprocally moving the wiper arm back and forth to a predetermined portion of the inner surface of the window. The crank arm has an inner end and an outer end and a knob that is mounted adjacent the outer end so that a person can manually move the crank arm back and forth. Additionally, there is a spring (31) for constantly pressing the wiper blade against the inner surface of the window. The wiper arm has a length adjusting arm to allow for different lengths of wiper blades. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a window clearing apparatus such as one taught by Uddenborg on the window of Crudgington's CNC machine to optimize the visibility of the window. It is obvious to

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one of ordinary skill in the art to put a windshield wiper on any type of window so that it has the capability to remain clear in all situations.

5. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crudgington et al. (USPN 5676030) in view of Kirchmer, Jr (USPN 606995).

Crudgington teaches a CNC machine center (figure 1) having a door (66) with a window (70) for viewing machining operations. The door and window each have an outer and inner surface. Crudgington teaches all the essential elements of the claimed invention however fails to teach a window clearing apparatus for the window on the CNC machine. Kirchmer teaches a window clearing apparatus comprising a windshield wiper arm (D) and a wiper blade (E). The wiper blade is positioned on the inner surface of the window and there is a crank arm (L) positioned adjacent the outer surface of the door for reciprocally moving the wiper arm back and forth to a predetermined portion of the inner surface of the window. The crank arm has an inner end and an outer end with a knob that is mounted adjacent the outer end so that a person can manually move the crank arm back and forth. Additionally, there is a spring (M) for constantly pressing the wiper blade against the inner surface of the window. The wiper arm has a length adjusting arm to allow for different lengths of wiper blades. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a window clearing apparatus such as one taught by Kirchmer on the window of Crudgington's CNC machine to optimize the visibility of the window. It is obvious to one of ordinary skill in the art to put a windshield wiper on any type of window so that it has the capability to remain clear in all situations.

6. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curless (USPN 5265497) in view of Richards (USPN 387919).

Curless teaches a CNC machine center (figure 1) having a door (66) with a window (70) for viewing machining operations. The door and window each have an outer and inner surface. Curless teaches all the essential elements of the claimed invention however fails to teach a window clearing apparatus for the window on the CNC machine. Richards teaches a window clearing apparatus comprising a windshield wiper arm (C) and a wiper blade (c'). The wiper blade is positioned on the inner surface of the window and there is a crank arm (E) positioned adjacent the outer surface of the door for reciprocally moving the wiper arm back and forth to a predetermined portion of the inner surface of the window. The crank arm has an inner end and an outer end and a knob that is mounted adjacent the outer end so that a person can manually move the crank arm back and forth. Additionally, there is a spring (F) for constantly pressing the wiper blade against the inner surface of the window. The wiper arm has a length adjusting arm to allow for different lengths of wiper blades. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a window clearing apparatus such as one taught by Richards on the window of Curless' CNC machine to optimize the visibility of the window. It is obvious to one of ordinary skill in the art to put a windshield wiper on any type of window so that it has the capability to remain clear in all situations.

7. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curless (USPN 5265497) in view of Uddenborg (USPN 1727456).

Curless teaches a CNC machine center (figure 1) having a door (66) with a window (70) for viewing machining operations. The door and window each have an outer and inner surface. Curless teaches all the essential elements of the claimed invention however fails to teach a window clearing apparatus for the window on the CNC machine. Uddenborg teaches a window clearing apparatus comprising a windshield wiper arm (17) and a wiper blade (28). The wiper blade is positioned on the

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inner surface of the window and there is a crank arm (15) positioned adjacent the outer surface of the door for reciprocally moving the wiper arm back and forth to a predetermined portion of the inner surface of the window. The crank arm has an inner end and an outer end and a knob that is mounted adjacent the outer end so that a person can manually move the crank arm back and forth.

Additionally, there is a spring (31) for constantly pressing the wiper blade against the inner surface of the window. The wiper arm has a length adjusting arm to allow for different lengths of wiper blades.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a window clearing apparatus such as one taught by Uddenborg on the window of Curless' CNC machine to optimize the visibility of the window. It is obvious to one of ordinary skill in the art to put a windshield wiper on any type of window so that it has the capability to remain clear in all situations.

8. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curless (USPN 5265497) in view of Kirchmer, Jr (USPN 606995).

Curless teaches a CNC machine center (figure 1) having a door (66) with a window (70) for viewing machining operations. The door and window each have an outer and inner surface. Curless teaches all the essential elements of the claimed invention however fails to teach a window clearing apparatus for the window on the CNC machine. Kirchmer teaches a window clearing apparatus comprising a windshield wiper arm (D) and a wiper blade (E). The wiper blade is positioned on the inner surface of the window and there is a crank arm (L) positioned adjacent the outer surface of the door for reciprocally moving the wiper arm back and forth to a predetermined portion of the inner surface of the window. The crank arm has an inner end and an outer end and a knob that is mounted adjacent the outer end so that a person can manually move the crank arm back and forth. Additionally, there is a spring (M) for constantly pressing the wiper blade against the inner surface of



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the window. The wiper arm has a length adjusting arm to allow for different lengths of wiper blades. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a window clearing apparatus such as one taught by Kirchmer on the window of Curless' CNC machine to optimize the visibility of the window. It is obvious to one of ordinary skill in the art to put a windshield wiper on any type of window so that it has the capability to remain clear in all situations.


***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is presently 703-305-7275 after December 16, 2003 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920 after December 16, 2003 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

Slb  
12/3/03

  
ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
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